

Application No. 10/673,496

Docket No. A8319.0037/P037-A

REMARKS

Claims 4-9 (all of the pending claims) have been amended. Applicants reserve the right to pursue the original claims and other claims in this and other applications. A petition for an extension of time and a Request for Continued Examination are being filed concurrently herewith. Please charge any applicable fees to Deposit Account No. 04-1073.

The drawings are objected to on the grounds that certain boxes are not properly labeled. Reconsideration is respectfully requested. Applicants respectfully submit that the boxes in Figs. 1, 2, 4 and 9, labeled by reference numerals, are in full compliance with the applicable rules, including 37 C.F.R. § 1.83(a). Applicants are aware of no authority for the argument that "labeled representations" under § 1.83(a) cannot be labeled by reference numerals, as in the present application. The Office Action provides nothing to the contrary. In other words, Applicants respectfully submit there is no basis in the PTO rules for requiring changes to the drawings in these circumstances.

Further, please note it appears there are no substantive differences between the substitute specification filed August 8, 2005 and the substitute specification filed September 30, 2003. Consequently, the August 8, 2005 substitute specification may remain not entered. The filing of the August 8, 2005 substitute specification may have been in error. A Preliminary Amendment was filed on September 30, 2003, to provide, among other things, a cross reference to the prior application. Applicants respectfully submit that the specification, as amended September 30, 2003, is in proper form. The specification is believed to be in proper idiomatic English.

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Claims 4-9 are objected to as being informal. Reconsideration is respectfully requested. The claims have been amended to overcome each of the concerns raised in the Office Action.

Claims 4-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 10-14 of U.S. Patent Application No. 10/253,489. Reconsideration is respectfully requested. The provisional rejection should be moot in view of the Terminal Disclaimer being filed herewith.

Further, please note that support for the term "correction information," in amended claim 4, appears in the original disclosure, including page 23, lines 18-20, of the substitute specification. In a preferred embodiment of the invention, since the second structural tomogram is constructed on the basis of data obtained while the body to be examined is breathing, the tomogram includes a blurred portion due to the movement of the breathing. On the other hand, the first structural tomogram does not include a blurred portion, since it is constructed on the basis of data obtained while the body to be examined is not breathing. Accordingly, when the first and second structural tomograms are synthesized, the blurred portion of the second structural tomogram should be "corrected." The claimed invention should not be limited, however, to the application preferred embodiments.

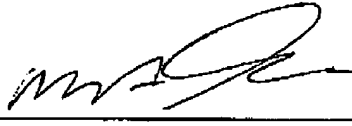
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Allowance of the application with claims 4-9, as amended, is solicited.

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Respectfully submitted,

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